

## Exhibit “A”

Westmoreland home | e-services | real property | civil court | marriage license | estate search | log out  
**you are here** : homepage > e-services > civil court search > details

Case : 16CI00098

JOSEPH M GRKMAN JR VS. 890 WEATHERWOOD LANE  
 OPERATING COMPANY LLC D/B/A

Filed Date: 2016-01-11

Case Type/Subtype:

Status: MGT CL

Judge: CHRIS SCHERER

PARTIES	
Party Type	Party Name
DEFENDANT	890 WEATHERWOOD LANE OPERATING COMP
DEFENDANT	890 WEATHERWOOD LANE OPERATING COMP
DEFENDANT	REHABILITATION AND NURSING CENTER A
DEFENDANT	890 WEATHERWOOD LANE LLC/DBA
DEFENDANT	EXCELA HEALTH/D/B/A
DEFENDANT	EXCELA HEALTH WESTMORELAND HOSPITAL
DEFENDANT	OPERATING COMPANY LLC /DBA
DEFENDANT ATTY	GRIFFIN ASHLEY L
DEFENDANT ATTY	GIOTTO EUGENE A
DEFENDANT ATTY	FINKEL ROBERT D
DEFENDANT ATTY	NOVAK JOANNA S
PLAINTIFF ATTY	GIANANTONIO A MICHAEL
PLAINTIFF	GRKMAN JOSEPH M/ADM JR
PLAINTIFF	GRKMAN JOSEPH M/ESTATE

EVENTS
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FILINGS		
*NOTICE: To access images you must be logged in as a registered user. To Login Click HERE To Request Authorization as a registered user click HERE		
Image	Date	Description
*Not Authorized	2016-04-15	STIPULATION AND ORDER TO DISCONTINUE EXCELA HEALTH DBA
*Not Authorized	2016-04-15	NOTICE OF SERVICE OF PLFFS 1ST SET OF INTERROGATORIES
*Not Authorized	2016-04-11	APPEARANCE ENTERED BY EUGENE A GIOTTO ESQ ROBERT D FINKEL
*Not Authorized	2016-03-30	PLFFS COMPLAINT

*Not Authorized	2016-02- 29	AFFIDAVIT OF SERVICE FOR RULE TO FILE COMPLAINT
*Not Authorized	2016-02- 08	PRAECIPE RULE TO FILE COMPLAINT EO DIE: RULE ISSUED
*Not Authorized	2016-02- 01	APPEARANCE ENTERED BY ASHLEY L GRIFFIN ESQ
*Not Authorized	2016-01- 29	SHERIFF'S RETURN 3 FOUND
*Not Authorized	2016-01- 11	PRAECIPE WRIT OF SUMMONS EO DIE: WRIT ISSUED

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IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PENNSYLVANIA

Civil Division

JOSEPH M. GRKMAN, JR., Individually  
and as the ADMINISTRATOR OF THE  
ESTATE OF JOSEPH M. GRKMAN,  
Deceased,

Plaintiff,

vs.

890 WEATHERWOOD LANE  
OPERATING COMPANY, LLC d/b/a  
THE REHABILITATION AND  
NURSING CENTER AT GREATER  
PITTSBURGH; 890 WEATHERWOOD  
LANE, LLC d/b/a THE  
REHABILITATION AND NURSING  
CENTER AT GREATER PITTSBURGH,  
and EXCELA HEALTH d/b/a EXCELA  
HEALTH WESTMORELAND  
HOSPITAL,

Defendants.

No.:

98 of 2016

PRAECIPE FOR WRIT OF SUMMONS

Code:

Filed on Behalf of: Joseph M. Grkman, Jr.,  
Individually, and as Administrator of the Estate  
of Joseph M. Grkman, Deceased

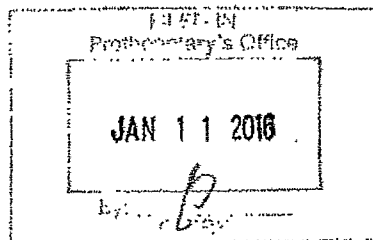
Counsel of Record for this Party:

ROBERT F. DALEY, ESQUIRE  
Pa I.D. No.: 81992

A. MICHAEL GIANANTONIO  
Pa I.D. No.: 89120

ROBERT PEIRCE & ASSOCIATES, P.C.  
Firm I.D. No.: 839

2500 Gulf Tower, 707 Grant Street  
Pittsburgh, PA 15219  
(412) 281-7229



IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PENNSYLVANIA

Civil Division

JOSEPH M. GRKMAN, JR., Individually and  
as the ADMINISTRATOR OF THE ESTATE  
OF JOSEPH M. GRKMAN, Deceased,

Plaintiff,

vs.

No.:

890 WEATHERWOOD LANE OPERATING  
COMPANY, LLC d/b/a THE  
REHABILITATION AND NURSING  
CENTER AT GREATER PITTSBURG; 890  
WEATHERWOOD LANE, LLC d/b/a THE  
REHABILITATION AND NURSING  
CENTER AT GREATER PITTSBURG, and  
EXCELA HEALTH d/b/a EXCELA HEALTH  
WESTMORELAND HOSPITAL,

Defendants.

PRAECIPE FOR WRIT OF SUMMONS

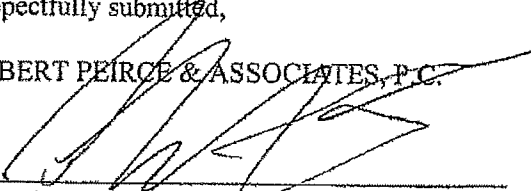
TO: The Prothonotary

Kindly issue a Writ of Summons as to the Defendants, 890 Weatherwood Lane Operating Company, LLC d/b/a The Rehabilitation and Nursing Center at Greater Pittsburg; 890 Weatherwood Lane, LLC d/b/a The Rehabilitation and Nursing Center at Greater Pittsburg, and Excelsa Health d/b/a Excelsa Health Westmoreland Hospital.

Respectfully submitted,

ROBERT PEIRCE & ASSOCIATES, P.C.

By:

  
A. MICHAEL GIANANTONIO ESQUIRE  
Counsel for Plaintiff

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF WESTMORELAND

JOSEPH M. GRKMAN JR., individually and as the  
ADMINISTRATOR OF THE ESTATE OF JOSEPH M.  
GRKMAN, Deceased

Plaintiff(s)

Vs.

890 WEATHERWOOD LANE OPERATING  
COMPANY, LLC d/b/a THE REHABILITATION AND  
NURSING CENTER AT GREATER PITTSBURG; 890  
WEATHERWOOD LANE, LLC d/b/a THE  
REHABILITATION AND NURSING CENTER AT GREATER PITTSBURG, and EXCELA  
HEALTH d/b/a EXCELA HEALTH WESTMORELAND HOSPITAL,

Defendant(s)

To: 890 WEATHERWOOD LANE OPERATING COMPANY, LLC d/b/a THE  
REHABILITATION AND NURSING CENTER AT GREATER PITTSBURG; 890  
WEATHERWOOD LANE, LLC d/b/a THE REHABILITATION AND NURSING CENTER AT  
GREATER PITTSBURG, and EXCELA HEALTH d/b/a EXCELA HEALTH WESTMORELAND  
HOSPITAL,

You are notified that JOSEPH M. GRKMAN JR., individually and as the  
ADMINISTRATOR OF THE ESTATE OF JOSEPH M. GRKMAN, Deceased  
has/have commenced an action by Writ of Summons against you.

Date: JANUARY 11 2016

SEAL OF  
THE  
COURT

*Christina O'Brien*  
CHRISTINA O'BRIEN, PROTHONOTARY

*Lori Campbell*  
LORI CAMPBELL, DEPUTY

A MICHAEL GIANANTONIO, ESQ  
PLAINTIFF ATTY  
2500 GULF TOWER  
707 GRANT STREET  
PITTSBURGH, PA 15219  
412-281-7229

RECEIVED  
WESTMORELAND COUNTY  
SHERIFF'S OFFICE  
2016 JAN 20 A 10 58

## Supreme Court of Pennsylvania

Court of Common Pleas  
Civil Cover Sheet

WESTMORELAND

County

For Prothonotary Use Only:

Docket No:

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

SECTION A

## Commencement of Action:

- ☒ Complaint    ☐ Writ of Summons    ☐ Petition  
☐ Transfer from Another Jurisdiction    ☐ Declaration of Taking

Lead Plaintiff's Name:

Joseph M. Grkman

Lead Defendant's Name:

890 Weatherwood Lane Operating Company

Are money damages requested? ☒ Yes    ☐ NoDollar Amount Requested: ☐ within arbitration limits  
(check one) ☒ outside arbitration limitsIs this a Class Action Suit? ☐ Yes    ☒ NoIs this an MDJ Appeal? ☐ Yes    ☒ No

Name of Plaintiff/Appellant's Attorney: A. MICHAEL GIANANTONIO, ESQUIRE 89120

☐ Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

SECTION B

**Nature of the Case:** Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

**TORT** (do not include Mass Tort)

- ☐ Intentional  
☐ Malicious Prosecution  
☐ Motor Vehicle  
☐ Nuisance  
☐ Premises Liability  
☐ Product Liability (does not include mass tort)  
☐ Slander/Libel/ Defamation  
☐ Other:

**MASS TORT**

- ☐ Asbestos  
☐ Tobacco  
☐ Toxic Tort - DES  
☐ Toxic Tort - Implant  
☐ Toxic Waste  
☐ Other:

**PROFESSIONAL LIABILITY**

- ☐ Dental  
☐ Legal  
☒ Medical  
☐ Other Professional:

**CONTRACT** (do not include Judgments)

- ☐ Buyer Plaintiff  
☐ Debt Collection: Credit Card  
☐ Debt Collection: Other

- ☐ Employment Dispute: Discrimination  
☐ Employment Dispute: Other

☐ Other:**REAL PROPERTY**

- ☐ Ejectment  
☐ Eminent Domain/Condemnation  
☐ Ground Rent  
☐ Landlord/Tenant Dispute  
☐ Mortgage Foreclosure: Residential  
☐ Mortgage Foreclosure: Commercial  
☐ Partition  
☐ Quiet Title  
☐ Other:

**CIVIL APPEALS**

- Administrative Agencies  
☐ Board of Assessment  
☐ Board of Elections  
☐ Dept. of Transportation  
☐ Statutory Appeal: Other

☐ Zoning Board☐ Other:**MISCELLANEOUS**

- ☐ Common Law/Statutory Arbitration  
☐ Declaratory Judgment  
☐ Mandamus  
☐ Non-Domestic Relations  
☐ Restraining Order  
☐ Quo Warranto  
☐ Replevin  
☐ Other:

Updated 1/1/2011

001  
**JONATHAN HELD, SHERIFF OF WESTMORELAND COUNTY**  
**2 NORTH MAIN STREET**  
**GREENSBURG, PA 15601**  
**PHONE: 724-830-3457 FAX: 724-830-3808**

(Prepare a separate affidavit form for each defendant to be served by the Sheriff)

Date: ~~01-18-16~~ 1.21.16Last Day to Serve: 2/10/2016Case Number: 98 of 2016

Attorney's or Plaintiff's Name and address

A. MICHAEL GIANANTONIO

2500 GULF TOWER, 707 GRANT STREET

PITTSBURGH, PA 15219

Phone: 412-281-7229

**Plaintiff:** JOSEPH M. GRKMAN, Individually, and as  
 the ADMINISTRATOR OF THE ESTATE OF JOSEPH M.  
 GRKMAN, Deceased,  
 VS

**Deft(s):** 890 WEATHERWOOD LANE OPERATING COMPANY,  
 LLC, et al.

**Serve:** 890 WEATHERWOOD LANE, LLC d/b/a THE  
 REHABILITATION AND NURSING CENTER AT GREATER  
 PITTSBURGH  
**Address:** 890 Weatherwood Lane, Greensburg,  
 PA 15601

<input checked="" type="checkbox"/> Complaint/Summons	Revival/SCI FA
<input type="checkbox"/> Seizure/Possession	Handbill
<input type="checkbox"/> Writ of Execution Garnishee	Court Order
<input type="checkbox"/> Interrogatories	Deputized Service
<input type="checkbox"/> Letter Mailed _____	Other:

 Indicate type of service: ☒ Personal ☐ Deputized ☒ Person in Charge ☐ POST ☐ Other \_\_\_\_\_

## SHERIFF'S OFFICE USE ONLY

 I hereby certify and return that on the 27th day of JAN, 2016, at 1110 o'clock a.m./p.m. address  
 above/address below, County of Westmoreland Pennsylvania I have served in the manner described below:
☐ Defendant(s) personally served☐ Adult in charge of Residence - Name: \_\_\_\_\_ Relationship: \_\_\_\_\_☒ Manager authorized to accept - Name: CARLene Hall-COOK Title: \_\_\_\_\_☐ Posted: \_\_\_\_\_Defendant Not Found: ☐ Moved ☐ Unknown ☐ No Answer ☐ Vacant ☐ Other: \_\_\_\_\_

Attempts: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Deputy's Remarks: \_\_\_\_\_

Deputy Signature: [Signature]

Advanced monies	West'd Sheriff's Cost	Deputized Co	TOTAL COSTS	Refund	Add Amount Owed
\$ <u>325</u>	\$ <u>202.46</u>	\$	\$ <u>202.46</u>	\$ <u>122.54</u>	\$

 NOW: \_\_\_\_\_ 20\_\_ I, SHERIFF OF WESTMORELAND COUNTY, PA do hereby deputize the Sheriff of  
 \_\_\_\_\_ County to execute this Writ and make return thereof according to law.

Deputized Cty Ck # \_\_\_\_\_ Advanced Amt \$ \_\_\_\_\_

Sheriff

 AFFIRMED and subscribed to before me this  
 \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

Notary Public/ Prothonotary

Deputized Sheriff

Signature of Sheriff (Westmoreland Co)

 Date 1/29/16  
 Date cal

PROTHONOTARY (WHITE)

ATTORNEY (YELLOW)

SHERIFF (PINK)

SS

JONATHAN HELD, SHERIFF OF WESTMORELAND COUNTY  
2 NORTH MAIN STREET  
GREENSBURG, PA 15601  
PHONE: 724-830-3457 FAX: 724-830-3808

2013

(Prepare a separate affidavit form for each defendant to be served by the Sheriff)

Date: ~~01-18-16~~ 1.21.16

Last Day to Serve:

2/10/2016

Case Number: 98 of 2016.

Attorney's or Plaintiff's Name and address

A. MICHAEL GIANANTONIO

2500 GULF TOWER, 707 GRANT STREET

PITTSBURGH, PA 15219

Phone: 412-281-7229

Plaintiff: JOSEPH M. GRKMAN, JR., Individually  
and as the ADMINISTRATOR OF THE ESTATE OF  
JOSEPH M. GRKMAN, Deceased,  
VS

Deft(s): 890 WEATHERWOOD LANE OPERATING  
COMPANY, LLC et al.

Serve: 890 WEATHERWOOD LANE OPERATING COMPANY  
LLC d/b/a THE REHABILITATION AND NURSING CENTER  
AT GREATER PITTSBURGH

Address: 890 Weatherwood Lane, Greensburg, PA  
15601.

X	Complaint/Summons	Revival/SCI FA
	Seizure/Possession	Handbill
	Writ of Execution Garnishee	Court Order
	Interrogatories	Deputized Service
	Letter Mailed	Other:

Indicate type of service: ☒ Personal ☐ Deputized ☒ Person in Charge ☐ POST ☐ Other

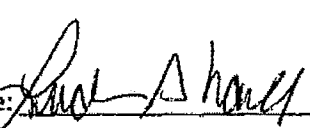
## SHERIFF'S OFFICE USE ONLY

I hereby certify and return that on the 27th day of JAN, 2016, at 11:10 o'clock a.m./p.m. address above/address below, County of Westmoreland Pennsylvania I have served in the manner described below:

☐ Defendant(s) personally served☐ Adult in charge of Residence - Name: Relationship:☒ Manager authorized to accept - Name: CARLENE AAIL-COOK Title:☐ Posted:Defendant Not Found: ☐ Moved ☐ Unknown ☐ No Answer ☐ Vacant ☐ Other:

Attempts: / / / /

Deputy's Remarks:

Deputy Signature: 

Advanced monies	West'd Sheriff's Cost	Deputized Co	TOTAL COSTS	Refund	Add Amount Owed
\$	\$	\$	\$	\$	\$

NOW: 20 1, SHERIFF OF WESTMORELAND COUNTY, PA do hereby deputize the Sheriff of  
County to execute this Writ and make return thereof according to law.

Deputized Cty Ck # Advanced Amt \$

Sheriff

AFFIRMED and subscribed to before me this

day of 20

Notary Public/ Prothonotary

Deputized Sheriff

Signature of Sheriff (Westmoreland Co)

Date

1/29/16  
Date

PROTHONOTARY (WHITE)

ATTORNEY (YELLOW)

SHERIFF (PINK)

SS.

**JONATHAN HELD, SHERIFF OF WESTMORELAND COUNTY**  
**2 NORTH MAIN STREET**  
**GREENSBURG, PA 15601**  
**PHONE: 724-830-3457 FAX: 724-830-3808**

3013

(Prepare a separate affidavit form for each defendant to be served by the Sheriff)

Date: ~~01-18-16~~ 1.21.16

Last Day to Serve:

2/10/2016

Case Number: 98 of 2016

Attorney's or Plaintiff's Name and address

A. MICHAEL GIANANTONIO

2500 GULF TOWER, 707 GRANT STREET

PITTSBURGH, PA 15219

Phone: 412-281-7229

**Plaintiff:** JOSEPH M. GRKMAN, JR., Individually  
 and as the ADMINISTRATOR OF THE ESTATE OF  
 JOSEPH M. GRKMAN, Deceased  
 VS

**Deft(s):** 890 WEATHERWOOD LANE OPERATING COMPANY  
 LLC, et al.

**Serve:** EXCELA HEALTH d/b/a EXCELA HEALTH

WESTMORELAND HOSPITAL

**Address:** 532 WEST PITTSBURGH STREET,  
 GREENSBURG, PA 15601.

<input checked="" type="checkbox"/>	Complaint/Summons	Revival/SCI FA
<input type="checkbox"/>	Seizure/Possession	Handbill
<input type="checkbox"/>	Writ of Execution Garnishee	Court Order
<input type="checkbox"/>	Interrogatories	Deputized Service
<input type="checkbox"/>	Letter Mailed	Other:

Indicate type of service: ☒ Personal ☐ Deputized ☒ Person in Charge ☐ POST ☐ Other

**SHERIFF'S OFFICE USE ONLY**

I hereby certify and return that on the 27th day of JAN, 2016, at 1050 o'clock a.m. / p.m. (address)  
 above/address below, County of Westmoreland Pennsylvania I have served in the manner described below:

☐ Defendant(s) personally served☐ Adult in charge of Residence - Name:

Relationship:

☒ Manager authorized to accept - Name: Albert RosaleTitle: Rick MBR☐ Posted:Defendant Not Found: ☐ Moved ☐ Unknown ☐ No Answer ☐ Vacant ☐ Other:

Attempts: / / / /

Deputy's Remarks:

Deputy Signature: [Signature]

Advanced monies	West'd Sheriff's Cost	Deputized Co	TOTAL COSTS	Refund	Add Amount Owed
\$	\$	\$	\$	\$	\$

NOW: 20 I, SHERIFF OF WESTMORELAND COUNTY, PA do hereby deputize the Sheriff of  
County to execute this Writ and make return thereof according to law.

Deputized Cty Ck # Advanced Amt \$

Sheriff

AFFIRMED and subscribed to before me this

day of 20

Notary Public/ Prothonotary

Deputized Sheriff

Signature of Sheriff (Westmoreland Co)

Date

Date 1/29/16

PROTHONOTARY (WHITE)

ATTORNEY (YELLOW)

SHERIFF (PINK)

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY,  
PENNSYLVANIA

JOSEPH M. GRKMAN, JR., Individually and  
as the ADMINISTRATOR OF THE ESTATE  
OF JOSEPH M. GRKMAN, Deceased,

Plaintiff,

vs.

890 WEATHERWOOD LANE OPERATING  
COMPANY, LLC d/b/a THE  
REHABILITATION AND NURSING  
CENTER AT GREATER PITTSBURGH; 890  
WEATHERWOOD LANE, LLC d/b/a THE  
REHABILITATION AND NURSING  
CENTER AT GREATER PITTSBURGH, and  
EXCELA HEALTH d/b/a EXCELA HEALTH  
WESTMORELAND HOSPITAL,

Defendants.

CIVIL DIVISION

No. 98 of 2016

Issue No.

PRAECIPE FOR APPEARANCE

Code:

Filed on behalf of defendant Excelsa Health  
d/b/a Excelsa Health Westmoreland Hospital

Counsel of Record for this Party:

Ashley L. Griffin, Esquire  
PA I.D. #208761

Thomson, Rhodes & Cowie, P.C.  
Firm #720  
1010 Two Chatham Center  
Pittsburgh, PA 15219  
(412) 232-3400

Direct Dial: (412) 316-8652  
Email: [alg@trc-law.com](mailto:alg@trc-law.com)  
Facsimile: (412) 232-3498

CLERK OF COURT  
WESTMORELAND COUNTY  
2016 FEB -1 AM 10:32  
CHRISTINA O'BRIEN  
PROTHONOTARY

PRAECIPE FOR APPEARANCE

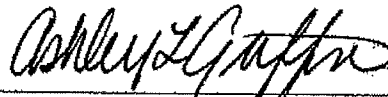
TO: CHRISTINA A. O'BRIEN, PROTHONOTARY

Kindly enter our appearance on behalf of Excelsa Health d/b/a Excelsa Health Westmoreland Hospital, one of the defendants.

JURY TRIAL DEMANDED.

THOMSON, RHODES & COWIE, P.C.

By



Ashley L. Griffin, Esquire  
Attorneys for defendant Excelsa Health d/b/a  
Excelsa Health Westmoreland Hospital

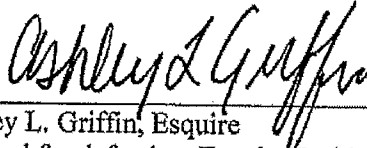
**CERTIFICATION OF SERVICE**

I hereby certify that a true and correct copy of the within **PRAECIPE FOR APPEARANCE** has been served upon the following counsel of record on this 29 day of Jan, 2016:

Robert F. Daley, Esquire  
A. Michael Gianantonio, Esquire  
Robert Peirce & Associates, P.C.  
2500 Gulf Tower, 707 Grant Street  
Pittsburgh, PA 15219  
(*Counsel for Plaintiff*)

THOMSON, RHODES & COWIE, P.C.

By

  
Ashley L. Griffin, Esquire  
Counsel for defendant Excelsa Health d/b/a  
Excelsa Health Westmoreland Hospital

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY,  
PENNSYLVANIA

JOSEPH M. GRKMAN, JR., Individually and  
as the ADMINISTRATOR OF THE ESTATE  
OF JOSEPH M. GRKMAN, Deceased,

Plaintiff,

vs.

890 WEATHERWOOD LANE OPERATING  
COMPANY, LLC d/b/a THE  
REHABILITATION AND NURSING  
CENTER AT GREATER PITTSBURGH; 890  
WEATHERWOOD LANE, LLC d/b/a THE  
REHABILITATION AND NURSING  
CENTER AT GREATER PITTSBURGH, and  
EXCELA HEALTH d/b/a EXCELA HEALTH  
WESTMORELAND HOSPITAL,

Defendants.

CIVIL DIVISION

No. 98 of 2016

Issue No.

**PRAECIPE FOR RULE TO FILE  
COMPLAINT**

Code:

Filed on behalf of defendant Excelsa Health  
d/b/a Excelsa Health Westmoreland Hospital

Counsel of Record for this Party:

Ashley L. Griffin, Esquire  
PA I.D. #208761

Thomson, Rhodes & Cowie, P.C.  
Firm #720  
1010 Two Chatham Center  
Pittsburgh, PA 15219  
(412) 232-3400

Direct Dial: (412) 316-8652  
Email: [alg@trc-law.com](mailto:alg@trc-law.com)  
Facsimile: (412) 232-3498

WESTMORELAND COUNTY  
2016 FEB -8 AM 10:22  
CHRISTINA O'BRIEN  
PROTHONOTARY

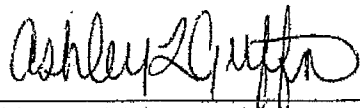
**PRAECIPE FOR RULE TO FILE COMPLAINT**

TO: CHRISTINA A. O'BRIEN, PROTHONOTARY

Kindly issue a rule on plaintiff to file his complaint within twenty days.

JURY TRIAL DEMANDED.

THOMSON, RHODES & COWIE, P.C.

By   
Ashley L. Griffin, Esquire  
Attorneys for defendant Excelsa Health d/b/a  
Excelsa Health Westmoreland Hospital

**CERTIFICATION OF SERVICE**

I hereby certify that a true and correct copy of the within **PRAECIPE FOR RULE TO  
FILE COMPLAINT** has been served upon the following counsel of record on this 5 day of  
Feb, 2016:

Robert F. Daley, Esquire  
A. Michael Gianantonio, Esquire  
Robert Peirce & Associates, P.C.  
2500 Gulf Tower, 707 Grant Street  
Pittsburgh, PA 15219  
(Counsel for Plaintiff)

THOMSON, RHODES & COWIE, P.C.

By Ashley L. Griffin  
Ashley L. Griffin, Esquire  
Counsel for defendant Excelsa Health d/b/a  
Excelsa Health Westmoreland Hospital

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY,  
PENNSYLVANIA

JOSEPH M. GRKMAN, JR., Individually and  
as the ADMINISTRATOR OF THE ESTATE  
OF JOSEPH M. GRKMAN, Deceased,

Plaintiff,

vs.

890 WEATHERWOOD LANE OPERATING  
COMPANY, LLC d/b/a THE  
REHABILITATION AND NURSING  
CENTER AT GREATER PITTSBURGH; 890  
WEATHERWOOD LANE, LLC d/b/a THE  
REHABILITATION AND NURSING  
CENTER AT GREATER PITTSBURGH, and  
EXCELA HEALTH d/b/a EXCELA HEALTH  
WESTMORELAND HOSPITAL,

Defendants.

CIVIL DIVISION

No. 98 of 2016

Issue No.

**AFFIDAVIT OF SERVICE FOR RULE TO  
FILE COMPLAINT**

Code:

Filed on behalf of defendant Excelsa Health  
d/b/a Excelsa Health Westmoreland Hospital

Counsel of Record for this Party:

Ashley L. Griffin, Esquire  
PA I.D. #208761

Thomson, Rhodes & Cowie, P.C.  
Firm #720  
1010 Two Chatham Center  
Pittsburgh, PA 15219  
(412) 232-3400

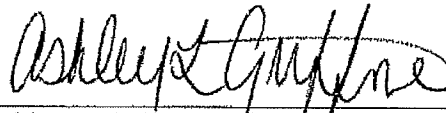
Direct Dial: (412) 316-8652  
Email: [alg@trc-law.com](mailto:alg@trc-law.com)  
Facsimile: (412) 232-3498

WESTMORELAND COUNTY  
2016 FEB 29 AM 11:06  
CHRISTINA O'BRIEN  
PROTHONOTARY

**AFFIDAVIT OF SERVICE OF RULE TO FILE COMPLAINT**

Before me, the undersigned authority, personally appeared Ashley L. Griffin, Esquire, who, being duly sworn, deposes and says that a true and correct copy of the Rule to File a Complaint in the above-captioned case was served upon plaintiff's counsel, Robert F. Daley, Esquire and A. Michael Gianantonio, Esquire, of Robert Peirce & Associates, P.C., 2500 Gulf Tower, 707 Grant Street, Pittsburgh, PA 15219, by certified mail, return receipt requested, and that the same was received on his behalf on February 18, 2016 as shown by the return receipt attached hereto as Exhibit A.

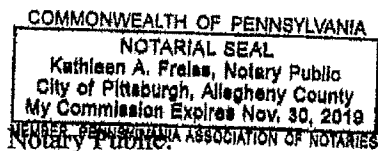
Respectfully submitted,

  
Ashley L. Griffin, Esquire

Sworn to and subscribed

before me this 25

day of February, 2016.



**EXHIBIT A**

UNITED STATES POSTAL SERVICE

First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

ALG-18336 GRKALIAN

• Sender: Please print your name, address, and ZIP+4® in this box\*

**THOMSON, RHODES & COWIE, P.C.**  
**1010 Two Chatham Center**  
**Pittsburgh, PA 15219**

USPS TRACKING#



9590 9401 0068 5071 7638 71

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

A. MICHAEL Gianantonio ESQ.  
 ROBERT PIERCE & ASSOC.  
 2500 GOLF Tower, 7076T ST  
 AON PA 15219



9590 9401 0068 5071 7638 71

2. Article Number (Transfer from service label)

7015 0640 0007 8143 4073

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

62-18-246

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature☐ Adult Signature Restricted Delivery☒ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery☐ Insured Mail☐ Insured Mail Restricted Delivery (over \$500)☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☒ Return Receipt for Merchandise☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery

PS Form 3811, April 2015 PSN 7530-02-000-9053

Domestic Return Receipt

**CERTIFICATION OF SERVICE**

I hereby certify that a true and correct copy of the within **AFFIDAVIT OF SERVICE FOR RULE TO FILE COMPLAINT** has been served upon the following counsel of record on this 25 day of Feb, 2016:

Robert F. Daley, Esquire  
A. Michael Gianantonio, Esquire  
Robert Peirce & Associates, P.C.  
2500 Gulf Tower, 707 Grant Street  
Pittsburgh, PA 15219  
(*Counsel for Plaintiff*)

THOMSON, RHODES & COWIE, P.C.

By Ashley L. Griffin  
Ashley L. Griffin, Esquire  
Counsel for defendant Excelsa Health d/b/a  
Excelsa Health Westmoreland Hospital

## Supreme Court of Pennsylvania

Court of Common Pleas  
Civil Cover Sheet

WESTMORELAND

County

For Prothonotary Use Only:

Docket No:

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

## Commencement of Action:

- ☒ Complaint ☐ Writ of Summons ☐ Petition  
☐ Transfer from Another Jurisdiction ☐ Declaration of Taking

Lead Plaintiff's Name:

Joseph M. Grkman

Lead Defendant's Name:

890 Weatherwood Lane Operating Company

Are money damages requested? ☒ Yes ☐ NoDollar Amount Requested: ☐ within arbitration limits  
☒ outside arbitration limits  
(check one)Is this a Class Action Suit? ☐ Yes ☒ NoIs this an MDJ Appeal? ☐ Yes ☒ No

Name of Plaintiff/Appellant's Attorney: A. MICHAEL GIANANTONIO, ESQUIRE 89120

☐ Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

**Nature of the Case:** Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

## TORT (do not include Mass Tort)

- ☐ Intentional  
☐ Malicious Prosecution  
☐ Motor Vehicle  
☐ Nuisance  
☐ Premises Liability  
☐ Product Liability (does not include mass tort)  
☐ Slander/Libel/Defamation  
☐ Other:

## MASS TORT

- ☐ Asbestos  
☐ Tobacco  
☐ Toxic Tort - DES  
☐ Toxic Tort - Implant  
☐ Toxic Waste  
☐ Other:

## PROFESSIONAL LIABILITY

- ☐ Dental  
☐ Legal  
☒ Medical  
☐ Other Professional:

## CONTRACT (do not include Judgments)

- ☐ Buyer Plaintiff  
☐ Debt Collection: Credit Card  
☐ Debt Collection: Other

- ☐ Employment Dispute:  
Discrimination  
☐ Employment Dispute: Other

☐ Other:

## REAL PROPERTY

- ☐ Ejectment  
☐ Eminent Domain/Condemnation  
☐ Ground Rent  
☐ Landlord/Tenant Dispute  
☐ Mortgage Foreclosure: Residential  
☐ Mortgage Foreclosure: Commercial  
☐ Partition  
☐ Quiet Title  
☐ Other:

## CIVIL APPEALS

- Administrative Agencies  
☐ Board of Assessment  
☐ Board of Elections  
☐ Dept. of Transportation  
☐ Statutory Appeal: Other

☐ Zoning Board☐ Other:

## MISCELLANEOUS

- ☐ Common Law/Statutory Arbitration  
☐ Declaratory Judgment  
☐ Mandamus  
☐ Non-Domestic Relations  
☐ Restraining Order  
☐ Quo Warranto  
☐ Replevin  
☐ Other:

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PENNSYLVANIA

Civil Division

JOSEPH M. GRKMAN, JR., Individually  
and as the ADMINISTRATOR OF THE  
ESTATE OF JOSEPH M. GRKMAN,  
Deceased,

Plaintiff,

vs.

No.: 98 of 2016

890 WEATHERWOOD LANE  
OPERATING COMPANY, LLC d/b/a  
THE REHABILITATION AND  
NURSING CENTER AT GREATER  
PITTSBURG; 890 WEATHERWOOD  
LANE, LLC d/b/a THE  
REHABILITATION AND NURSING  
CENTER AT GREATER PITTSBURG,  
and EXCELA HEALTH d/b/a EXCELA  
HEALTH WESTMORELAND  
HOSPITAL,

Defendants.

PLAINTIFF'S COMPLAINT

Code:

Filed on Behalf of: Plaintiff, Joseph M.  
Grkman, Jr., Individually, and as Administrator  
of the Estate of Joseph M. Grkman, Deceased

Counsel of Record for this Party:

ROBERT F. DALEY, ESQUIRE  
Pa I.D. No.: 81992

A. MICHAEL GIANANTONIO  
Pa I.D. No.: 89120

ROBERT PEIRCE & ASSOCIATES, P.C.  
Firm I.D. No.: 839

2500 Gulf Tower  
707 Grant Street  
Pittsburgh, PA 15219  
(412) 281-7229

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PENNSYLVANIA

Civil Division

JOSEPH M. GRKMAN, JR., Individually and  
as the ADMINISTRATOR OF THE ESTATE  
OF JOSEPH M. GRKMAN, Deceased,

Plaintiff,

vs.

No.: 98 of 2016

890 WEATHERWOOD LANE OPERATING  
COMPANY, LLC d/b/a THE  
REHABILITATION AND NURSING  
CENTER AT GREATER PITTSBURG; 890  
WEATHERWOOD LANE, LLC d/b/a THE  
REHABILITATION AND NURSING  
CENTER AT GREATER PITTSBURG, and  
EXCELA HEALTH d/b/a EXCELA HEALTH  
WESTMORELAND HOSPITAL,

Defendants.

**NOTICE TO DEFEND**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice were served, by entering a written appearance personally or by an attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the Complaint or for any claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, THEN YOU SHOULD GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

LAWYER REFERRAL SERVICE  
WESTMORELAND BAR ASSOCIATION  
129 NORTH PENNSYLVANIA AVENUE  
GREENSBURG, PA 15601-2311  
TELEPHONE: (724) 834-6730

YOU MUST RESPOND TO THIS COMPLAINT WITHIN TWENTY (20) DAYS OR A JUDGMENT FOR THE AMOUNT CLAIMED MAY BE ENTERED AGAINST YOU BEFORE THE HEARING. IF YOU DO NOT APPEAR FOR THE HEARING, THE CASE MAY BE HEARD IMMEDIATELY BEFORE A JUDGE. THERE IS NO RIGHT TO A TRIAL DE NOVO ON APPEAL FROM A DECISION ENTERED BY A JUDGE.

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PENNSYLVANIA

Civil Division

JOSEPH M. GRKMAN, JR., Individually and  
as the ADMINISTRATOR OF THE ESTATE  
OF JOSEPH M. GRKMAN, Deceased,

Plaintiff,

vs.

No.: 98 of 2016

890 WEATHERWOOD LANE OPERATING  
COMPANY, LLC d/b/a THE  
REHABILITATION AND NURSING  
CENTER AT GREATER PITTSBURG, 890  
WEATHERWOOD LANE, LLC d/b/a THE  
REHABILITATION AND NURSING  
CENTER AT GREATER PITTSBURG, and  
EXCELA HEALTH d/b/a EXCELA HEALTH  
WESTMORELAND HOSPITAL,

Defendants.

PLAINTIFF'S COMPLAINT

AND NOW, comes the Plaintiff, Joseph M. Grkman, Jr., Individually, and as the Administrator of the Estate of Joseph M. Grkman, Deceased, by and through his undersigned counsel, A. Michael Gianantonio, Esquire; Robert F. Daley, Esquire; and the law firm of Robert Peirce & Associates, P.C., and claims damages of the Defendants, 890 Weatherwood Lane Operating Company, LLC d/b/a The Rehabilitation Center at Greater Pittsburg; and, 890 Weatherwood Lane, LLC d/b/a The Rehabilitation and Nursing Center at Greater Pittsburg; upon causes of action, the following of which are statements:

**I. PARTIES**

**A. Plaintiff**

1. Plaintiff Joseph M. Grkman, Jr. is an adult individual residing at 109 Fox Creek Road, Venetia, Washington County, Pennsylvania 15367.

2. Joseph M. Grkman, Jr. is the son of Plaintiff's Decedent, Joseph M. Grkman, who died in Washington County on May 23, 2014 at the age of 89.

3. Joseph M. Grkman, Jr. was appointed Administrator of the Estate of Joseph M. Grkman on May 19, 2015 by the Register of Wills of Westmoreland County, Pennsylvania.

4. Joseph M. Grkman brings this action pursuant to 42 PA.C.S. §8301 (Wrongful Death) §8302 (Survival), and PA.R.CIV.P.2202(a) as the personal representative of the Estate of Joseph M. Grkman, on his own behalf and on behalf of all those entitled by law to recover damages for the wrongful death of Joseph M. Grkman.

5. The names and addresses of all persons legally entitled to recover damages for the death of Joseph M. Grkman, and the relationship to him are as follows:

Name:	Address:	Relationship:
Joseph M. Grkman, Jr.	109 Fox Creek Road Venetia, PA 15367	Son
Steven Grkman	539 Austin Street Greensburg, PA 15601	Son

**B. Defendants**

6. Defendant 890 Weatherwood Lane Operating Company, LLC d/b/a The Rehabilitation and Nursing Center at Greater Pittsburg is a Pennsylvania Limited Liability Company that operates within the Commonwealth of Pennsylvania at 890 Weatherwood Lane, Greensburg, Westmoreland County, Pennsylvania 15601.

7. Defendant 890 Weatherwood Lane Operating Company, LLC d/b/a The Rehabilitation and Nursing Center at Greater Pittsburg operates under the fictitious name The Rehabilitation and Nursing Center at Greater Pittsburg at 890 Weatherwood Lane, Greensburg, Westmoreland County, Pennsylvania 15601.

8. Defendant 890 Weatherwood Lane, LLC d/b/a The Rehabilitation and Nursing Center at Greater Pittsburg is a Pennsylvania Limited Liability Company that operates within the Commonwealth of Pennsylvania at 890 Weatherwood Lane, Greensburg, Westmoreland County, Pennsylvania 15601.

9. Defendant 890 Weatherwood Lane, LLC d/b/a The Rehabilitation and Nursing Center at Greater Pittsburg operates under the fictitious name The Rehabilitation and Nursing Center at Greater Pittsburg at 890 Weatherwood Lane, Greensburg, Westmoreland County, Pennsylvania 15601.

10. Defendants 890 Weatherwood Lane Operating Company, LLC d/b/a The Rehabilitation and Nursing Center at Greater Pittsburg and 890 Weatherwood Lane Operating Company, LLC d/b/a The Rehabilitation and Nursing Center at Greater Pittsburg, both operate under the fictitious name The Rehabilitation and Nursing Center at Greater Pittsburg and shall collectively be referred to herein as "RNC".

11. At all times relevant hereto, RNC was a "long-term care" nursing facility as that term is defined at 35 P.S. §448.802(a).

12. Accordingly, RNC is a "health care provider" as that term is defined at 40 P.S. §1303.503 and in addition to the other claims asserted, Plaintiff is asserting a Professional Liability claim against RNC.

13. At all times relevant hereto, RNC operated as a "skilled nursing facility" as that term is defined at 42 U.S.C §1395I-3.

14. At all times relevant hereto, RNC was acting independently, and by and through its duly authorized agents, servants, and/or employees, who were then and there acting within the course and scope of their employment.

## II. FACTS COMMON TO ALL CAUSES OF ACTION

15. At no time during his life did Plaintiff's Decedent, Joseph M. Grkman bring an action to recover damages for his personal injuries, and no other action has been filed to recover damages for the wrongful death of Joseph M. Grkman.

16. Mr. Grkman was admitted to Paramount Senior Living in McMurray, an assisted living facility on January 24, 2014.

17. At the time, it was noted that there was a small open area on Mr. Grkman's sacrum and there was some excoriation in the sacral area as well.

18. Mr. Grkman was admitted to Paramount specifically because he wanted to be close to his wife, who was residing in the dementia unit at Paramount.

19. The skin condition described above was existing upon his admission to Paramount. Said ulcer did not worsen before his discharge from Paramount on February 2, 2014, at which time Mr. Grkman was transferred to Excelsa Westmoreland Hospital ("Excelsa").

20. Upon admission to Excelsa, Mr. Grkman was noted to have a Stage I left heel ulcer and a Stage II buttocks ulcer.

21. However, Excelsa's Clinical Diagnoses notes demonstrate that a decubitus ulcer was not diagnosed until February 10, 2014 by Physician's Assistant Kristina M. Smith.

22. While at Excelsa, Mr. Grkman developed a pressure ulcer on his coccyx.

23. The Excelsa nursing discharge notice demonstrates that Mr. Grkman had a Stage II left buttocks decubitus ulcer on February 17, 2014.

24. Mr. Grkman was admitted to RNC on February 17, 2014.

25. At the time of his admission to RNC, there was no mention of any decubitus ulcers and/or pressure sores present, with the exception of the mention that there may have been an eschar on the left heel.

26. Upon admission, RNC entered an order to monitor and to turn and reposition Mr. Grkman every two hours.

27. Interestingly, on February 17, 2014, RNC completed an interdisciplinary Plan of Care that demonstrated there was an ulcer present in the coccyx area.

28. The ulcer was identified as a Stage II ulcer.

29. In fact, the ulcer was described as being an open area on the coccyx, approximately .5 cm, with a small amount of exudate.

30. There was also a thin layer of pale yellow identified within, however, the ulcer was Unstaged at the time.

31. In fact, there were four different pressure sores noted when Mr. Grkman was first admitted at RNC on February 17, 2014.

32. While three of the pressure sores resolved, the largest sore, located on his coccyx, did not respond to treatment.

33. On February 20, 2014, Mr. Grkman was transferred to Westmoreland Hospital's Emergency Department for an evaluation of an altered mental status.

34. By February 25, 2014 the coccyx ulcer was 2 cm wide x 1 cm deep with a serous discharge.

35. The ulcer was noted as being a Stage III pressure ulcer.

36. There is no documentation within the records that Mr. Grkman's physician was contacted to inform her of the degradation of the ulcer.

37. Further, RNC did not make appropriate modifications to Mr. Grkman's treatment and/or care.
38. A Pressure Ulcer Record ("PUR") was kept every seven days to document the ulcer.
39. On March 4, 2014, Mr. Grkman's ulcer was again diagnosed as a Stage III ulcer.
40. At this time, the only intervention in place was a specialty bed.
41. Further, the wound was identified as being improved for some reason.
42. On March 10, 2014, Mr. Grkman was again transferred to Excelsa for shortness of breath. On March 11, 2014, the wound was again staged as a Stage III with slough within.
43. Despite the presence of slough at this time, the nursing staff again identified the wound as being improved.
44. Again, the only interventions in place for Mr. Grkman were a specialty bed and a wheelchair cushion.
45. On March 18, 2014, the wound again was characterized as Stage III, but at this point it was identified as not being changed as there was still a layer of slough.
46. Again, the only interventions in place were a specialty bed and a wheelchair cushion.
47. Treatment was changed to a Drawtex dressing after five weeks of no improvement after using Dermasyn AG.
48. Also, at this time, Mr. Grkman was diagnosed as having left elbow cellulitis.
49. Cellulitis could be demonstrative of an infection.
50. On April 8, 2014, RNC notified Mr. Grkman's physician of a lack of healing on the pressure sore and the physician changed the prescription to Santyl debridement cream.

51. Santyl cream is used in burns and pressure sores to help eliminate dead tissue and promote healthy tissue for healing; when used, it should be carefully monitored in debilitated residents as these residents are at an increased risk for systemic bacterial infections because debriding enzymes may increase the risk of Bacteremia.

52. Eleven days after starting the use of Santyl, Mr. Grkman developed a cough at which time a chest x-ray was ordered.

53. The results indicated possible minimal bilateral pneumonia, however, antibiotics were not ordered and Santyl cream was continued.

54. On April 28, 2014, Mr. Grkman was diagnosed with bilateral pneumonia.

55. By May 1, 2014, the ulcer was still identified as a Stage III.

56. Mr. Grkman was specifically at RNC for rehabilitation so that he would become healthy enough to undergo a valve replacement to address his congestive heart failure.

57. Mr. Grkman was discharged from RNC on May 6, 2014 and he eventually passed away on May 23, 2014.

#### COUNT I – SURVIVAL – NEGLIGENCE

58. All proceeding paragraphs of this Complaint are incorporated herein as if set forth more fully at length.

59. At all times relevant hereto Defendants RNC acted by and through their agents, servants, and/or employees.

60. RNC, as well as its agents, servants, and/or employees, had a duty to act prudently, and had a duty to provide ordinary and reasonable care and services to Mr. Grkman.

61. RNC, as well as its agents, servants, and/or employees had a duty to ensure they were competent to provide that care.

62. RNC, as well as its agents, servants, and/or employees, had a duty to formulate, adopt, and enforce adequate rules and policies to ensure quality care for residents such as Joseph Grkman. RNC, as well as its agents, servants, and/or employees, breached these duties owed to Mr. Grkman in the following particulars:

- a. By failing to prevent Mr. Grkman from developing pressure ulcers, as pled herein;
- b. By failing to prevent Mr. Grkman's pressure ulcers from worsening, as pled herein;
- c. By failing to conduct necessary skin quality examinations, as pled herein;
- d. By failing to frequently turn and reposition Mr. Grkman to prevent the development of pressure ulcers, or the worsening of existing pressure ulcers, as pled herein;
- e. By failing to implement a specialty mattress for Mr. Grkman in a timely fashion when he was at risk for the development of pressure ulcers, as pled herein;
- f. By failing to check the functioning of the specialty mattress in place for Mr. Grkman, as pled herein;
- g. By failing to properly train its employees to handle and treat residents such as Mr. Grkman, who were at risk for the development of pressure ulcers, or the worsening of existing pressure ulcers;
- h. By failing to provide treatment and/or medical intervention for Mr. Grkman's pressure ulcers when he presented with signs and symptoms of pressure ulcers, as pled herein;
- i. By failing to prevent Mr. Grkman from developing pneumonia, as pled herein;
- j. By failing to prevent Mr. Grkman's pneumonia from worsening, as pled herein;
- k. By failing to conduct necessary examinations as they relate to proper and adequate pulmonary care, as pled herein;

- l. By failing to properly and adequately treat Mr. Grkman's pneumonia, as pled herein;
- m. By failing to properly train its employees to handle and treat residents such as Mr. Grkman, who were at risk for the development of pneumonia, or the worsening of existing pneumonia, as pled herein;
- n. By failing to implement an appropriate Plan of Care for Mr. Grkman and an adequate plan of safety precautions, as pled herein;
- o. By failing to comply with State and Federal reporting requirements with regard to the care Mr. Grkman received, as pled herein;
- p. By failing to properly supervise its staff, as pled herein;
- q. By failing to properly train its staff, as pled herein;
- r. By failing to provide sufficient staff to ensure that Mr. Grkman would be provided the care and assistance that he required, as pled herein; and
- s. By negligently hiring and/or retaining staff whom Defendant RNC knew, or should have known, were incompetent to care for residents such as Mr. Grkman.

63. At all times relevant hereto, Defendant RNC, along with its duly authorized agents, servants, and/or employees, had a duty not to violate the legal rights of any resident, and had a duty to comply with all provisions of Title 28 Pennsylvania Administrative Code, Chapter 211, and with all provisions of 42 C.F.R. § 483, *et seq.*

64. The above-noted regulations are designed and intended to protect the interests of persons such as Mr. Grkman who are residing at facilities such as Defendant RNC's facility.

65. The above-noted regulations are designed and intended to protect the interests of persons such as Mr. Grkman against the hazards he encountered and the harm and injury he suffered while residing at Defendant RNC's facility and his eventual death, which resulted from his stay at RNC's facility.

66. Defendant RNC, along with its duly authorized agents, servants, and/or employees, negligently violated the above-noted regulations in the following ways:

- a. By failing to meet the minimum standard for the operation of a long term care facility, as required by 28 Pa. Code § 201.14(a), as pled herein;
- b. By failing to adopt and enforce effective rules for the health, care, and safety of the residents, as well as the general population of the facility, as required by 28 Pa. Code § 201.18(b), as pled herein;
- c. By failing to provide appropriate training and educational programs for Defendant RNC's staff, as required by 28 Pa. Code § 201.21, as pled herein;
- d. By failing to establish appropriate written policies regarding the rights and responsibilities of residents, and by failing to develop and adhere to written policies and procedures that did exist, as required by 28 Pa. Code § 201.29(a), as pled herein;
- e. By failing to maintain adequate clinical records for Mr. Grkman, as required by 28 Pa. Code § 211.5, as pled herein;
- f. By failing to prepare an adequate Resident Care Policy for Mr. Grkman to ensure that he was comfortable, clean, and well groomed, and to ensure that he was protected from accident, injury, and infection, as required by 28 Pa. Code § 211.10, as pled herein;
- g. By failing to prepare a Resident Care Plan for Mr. Grkman, as required by 28 Pa. Code § 211.11, as pled herein;
- h. By failing to provide a sufficient number of personnel on a 24-hour basis to adequately care for Mr. Grkman, as required by 28 Pa. Code § 211.12, as pled herein;
- i. By failing to meet appropriate minimum staffing ratios, as required by 28 Pa. Code § 211.12, as pled herein;
- j. By failing to provide at least 2.7 hours of direct nursing care daily to Mr. Grkman, as required by 28 Pa. Code § 211.12, as pled herein;

- k. By failing to provide Mr. Grkman his rights, including the right to a dignified existence, as required by 42 C.F.R. § 483.10, as pled herein;
- l. By failing to notify Mr. Grkman's physician and his family when he suffered significant changes in his physical, mental, and psycho-social status, as required by 42 C.F.R. § 483.10(b)(11), as pled herein;
- m. By failing to develop and implement written policies and procedures to prohibit the mistreatment, neglect, and abuse of residents, as required by 42 C.F.R. § 483.13(c), as pled herein;
- n. By failing to care for Mr. Grkman in a manner that ~~promoted maintenance and enhancement of his life~~, as required by 42 C.F.R. § 483.15, as pled herein;
- o. By failing to adequately assess Mr. Grkman in a fashion that accurately reflected his status, as required by 42 C.F.R. § 483.20, as pled herein;
- p. By failing to develop a comprehensive Care Plan for Mr. Grkman, as required by 42 C.F.R. § 483.20, as pled herein;
- q. By failing to provide Mr. Grkman the necessary care and services to allow him to attain or maintain the highest practicable physical, mental, and psycho-social wellbeing, as required by 42 C.F.R. § 483.25, as pled herein;
- r. By failing to prevent Mr. Grkman from suffering from pressure ulcers, as required by 42 C.F.R. § 483.25, as pled herein;
- s. By failing to prevent Mr. Grkman's pressure ulcers from worsening, as required by 42 C.F.R. § 483.25, as pled herein;
- t. By failing to ensure that RNC had sufficient nursing staff to provide nursing and related services to allow Mr. Grkman to attain or maintain the highest practicable level of physical, mental, and psycho-social well-being, as required by 42 C.F.R. § 483.30, as pled herein;
- u. By failing to establish and maintain an infection control program designed to provide a safe, sanitary, and comfortable environment and help prevent the development

and transmission of disease and infection, as required by 42 C.F.R. § 483.65, as pled herein; and,

- v. By failing to ensure that Mr. Grkman was provided with necessary services to maintain good nutrition, grooming, and personal and oral hygiene when Mr. Grkman was not able to provide those services for himself, as required by 42 C.F.R. § 483.25(a)(3), as pled herein.

67. As a direct and proximate result of the negligent conduct of Defendant RNC as set forth above, Mr. Grkman was injured during his residence at Defendant RNC's facility, suffered from pressure ulcers, pain and suffering, and died.

68. As a proximate result of the negligent conduct of Defendant RNC, Plaintiff Joseph M. Grkman, Jr., Individually and as Administrator of the Estate of Joseph M. Grkman, Deceased, seeks damages for the following items:

- a. The pain, suffering, embarrassment, inconvenience, anxiety, nervousness, and loss of enjoyment of life's pleasures suffered by Mr. Grkman related to the injuries and death he suffered; and,
- b. Other losses and damages permitted by law.

WHEREFORE, the Plaintiff, Joseph M. Grkman, Jr., Individually and as Administrator of the Estate of Joseph M. Grkman, Deceased, claims damages of Defendants, and demands compensatory and consequential damages from Defendants in an amount in excess of the jurisdictional arbitration limits, together with interest, costs of suit, and any other relief this Honorable Court deems appropriate to recover for which this suit is filed.

## COUNT II

### NEGLIGENCE – WRONGFUL DEATH

69. All preceding paragraphs of this Complaint are incorporated herein, as if set forth more fully at length.

70. As a direct and proximate result of the negligent conduct of the Defendant RNC as aforementioned, Plaintiff Joseph M. Grkman, Jr., Individually, and on behalf of those persons entitled by law to recover damages for the wrongful death of Joseph M. Grkman, have suffered the following injuries and damages:

- a. They have expended money for funeral and Estate expenses as a result of the death of Mr. Grkman;
- b. They have expended money for hospital, nursing, and medical expenses necessitated by reason of the injuries causing Mr. Grkman's death;
- ~~c. They have been denied, and have forever lost, the services, assistance, guidance, counseling, companionship, and society of Mr. Grkman; and,~~
- d. They have been, and will forever be, deprived of the financial support and all pecuniary benefits which they would have received from Mr. Grkman.

WHEREFORE, Plaintiff, Joseph M. Grkman, Jr., Individually and as Administrator of the Estate of Joseph M. Grkman, Deceased, claims damages of Defendants, and demands compensatory and consequential damages from Defendants in an amount in excess of the jurisdictional arbitration limits, together with interest, costs of suit, and any other relief this Honorable Court deems appropriate to recover for which this suit is filed.

A JURY TRIAL IS DEMANDED.

ROBERT PIERCE & ASSOCIATES, P.C.

By:

  
A. MICHAEL GIANANTONIO ESQUIRE  
Counsel for Plaintiff

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PENNSYLVANIA

Civil Division

JOSEPH M. GRKMAN, JR., Individually and  
as the ADMINISTRATOR OF THE ESTATE  
OF JOSEPH M. GRKMAN, Deceased,

Plaintiff,

vs.

No.: 98 of 2016

890 WEATHERWOOD LANE OPERATING  
COMPANY, LLC d/b/a THE  
REHABILITATION AND NURSING  
CENTER AT GREATER PITTSBURG; 890  
WEATHERWOOD LANE, LLC d/b/a THE  
REHABILITATION AND NURSING  
CENTER AT GREATER PITTSBURG, and  
EXCELA HEALTH d/b/a EXCELA HEALTH  
WESTMORELAND HOSPITAL,

Defendants.

**CERTIFICATE OF MERIT REGARDING**  
**DEFENDANT 890 WEATHERWOOD LANE OPERATING COMPANY, LLC DOING**  
**BUSINESS AS THE REHABILITATION AND NURSING CENTER AT GREATER**  
**PITTSBURG**

I, A. Michael Gianantonio, Esquire, certify that:

☒ An appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by the defendant in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about harm;

And

☒ The claim that defendant deviated from an acceptable professional standard is based solely or in part on allegations that other licensed professionals for whom this defendant is responsible deviated from an acceptable professional standard and an appropriate licensed professional has supplied a written statement to the undersigned that there is a

basis to conclude that the care, skill or knowledge exercised or exhibited by the other licensed professionals in the treatment, practice or work that is the subject of the Complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm;

Or

\_\_\_\_ Expert testimony of an appropriate licensed professional is unnecessary for prosecution of the claim against these defendants.

Respectfully submitted,

ROBERT PEIRCE & ASSOCIATES, P.C.

By: 

A. MICHAEL GIANANTONIO, ESQUIRE  
Counsel for Plaintiff

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PENNSYLVANIA

Civil Division

JOSEPH M. GRKMAN, JR., Individually and  
as the ADMINISTRATOR OF THE ESTATE  
OF JOSEPH M. GRKMAN, Deceased,

Plaintiff,

vs.

No. 98 of 2016

890 WEATHERWOOD LANE OPERATING  
COMPANY, LLC d/b/a THE  
REHABILITATION AND NURSING  
CENTER AT GREATER PITTSBURG; 890  
WEATHERWOOD LANE, LLC d/b/a THE  
REHABILITATION AND NURSING  
CENTER AT GREATER PITTSBURG, and  
EXCELA HEALTH d/b/a EXCELA HEALTH  
WESTMORELAND HOSPITAL,

Defendants.

**CERTIFICATE OF MERIT REGARDING**  
**DEFENDANT 890 WEATHERWOOD LANE, LLC DOING BUSINESS AS THE**  
**REHABILITATION AND NURSING CENTER AT GREATER PITTSBURG**

I, A. Michael Gianantonio, Esquire, certify that:

X An appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by the defendant in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about harm;

And

X The claim that defendant deviated from an acceptable professional standard is based solely or in part on allegations that other licensed professionals for whom this defendant is responsible deviated from an acceptable professional standard and an appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by the other

licensed professionals in the treatment, practice or work that is the subject of the Complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm;

Or

\_\_\_\_ Expert testimony of an appropriate licensed professional is unnecessary for prosecution of the claim against these defendants.

Respectfully submitted,

ROBERT PIERCE & ASSOCIATES, P.C.

By: 

A. MICHAEL GIANANTONIO, ESQUIRE  
Counsel for Plaintiff

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PENNSYLVANIA

Civil Division

JOSEPH M. GRKMAN, JR., Individually and  
as the ADMINISTRATOR OF THE ESTATE  
OF JOSEPH M. GRKMAN, Deceased,

Plaintiff,

vs.

No.: 98 of 2016

890 WEATHERWOOD LANE OPERATING  
COMPANY, LLC d/b/a THE  
REHABILITATION AND NURSING  
CENTER AT GREATER PITTSBURG; 890  
WEATHERWOOD LANE, LLC d/b/a THE  
REHABILITATION AND NURSING  
CENTER AT GREATER PITTSBURG, and  
EXCELA HEALTH d/b/a EXCELA HEALTH  
WESTMORELAND HOSPITAL,

Defendants.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Plaintiff's Complaint was served this 29<sup>th</sup> day of March, 2016, by first class United States mail, postage pre-paid, addressed as follows:

Ashley L. Griffin, Esquire  
Thomson, Rhodes & Cowie, P.C.  
Two Chatham Center, Tenth Floor  
Pittsburgh, PA 15219-3499  
(Attorney for Excelsa Health)

890 Weatherwood Lane Operating Company, LLC  
d/b/a The Rehabilitation and Nursing Center at Greater Pittsburgh  
890 Weatherwood Lane  
Greensburg, PA 15601

890 Weatherwood Lane, LLC  
d/b/a The Rehabilitation and Nursing  
Center at Greater Pittsburgh  
890 Weatherwood Lane  
Greensburg, PA 15601

Respectfully submitted,

ROBERT PEIRCE & ASSOCIATES, P.C.

By: 

A. MICHAEL GIANANTONIO, ESQUIRE  
Counsel for Plaintiff

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PENNSYLVANIA

Civil Division

JOSEPH M. GRKMAN, JR., Individually and  
as the ADMINISTRATOR OF THE ESTATE  
OF JOSEPH M. GRKMAN, Deceased,

Plaintiff,

vs.

No.: 98 of 2016

890 WEATHERWOOD LANE OPERATING  
COMPANY, LLC d/b/a THE  
REHABILITATION AND NURSING  
CENTER AT GREATER PITTSBURG; 890  
WEATHERWOOD LANE, LLC d/b/a THE  
REHABILITATION AND NURSING  
CENTER AT GREATER PITTSBURG, and  
EXCELA HEALTH d/b/a EXCELA HEALTH  
WESTMORELAND HOSPITAL,

Defendants.

VERIFICATION

I verify that the averments of fact made in the foregoing Plaintiff's Complaint are true and correct and based on my personal knowledge, information or belief. I understand that averments of fact in said document are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsifications to authorities.

3/23/16  
Dated

  
JOSEPH M. GRKMAN, JR.

**IN THE COURT OF COMMON PLEAS  
OF WESTMORELAND COUNTY, PENNSYLVANIA**

JOSEPH M. GRKMAN, JR., Individually and  
as the ADMINISTRATOR OF THE ESTATE  
OF JOSEPH M. GRKMAN, Deceased,

Plaintiff,

v.

890 WEATHERWOOD LANE OPERATING  
COMPANY, LLC d/b/a THE  
REHABILITATION AND NURSING  
CENTER AT GREATER PITTSBURG; 890  
WEATHERWOOD LANE, LLC d/b/a THE  
REHABILITATION AND NURSING  
CENTER AT GREATER PITTSBURG, and  
EXCELA HEALTH d/b/a EXCELA HEALTH  
WESTMORELAND HOSPITAL,

Defendants.

CIVIL DIVISION

No. 98 of 2016

**NOTICE OF APPEARANCE**

Filed on behalf of:  
890 WEATHERWOOD LANE OPERATING  
COMPANY, LLC d/b/a THE  
REHABILITATION AND NURSING  
CENTER AT GREATER PITTSBURG and  
890 WEATHERWOOD LANE, LLC d/b/a  
THE REHABILITATION AND NURSING  
CENTER AT GREATER PITTSBURG,  
Defendants

Counsel of Record for this Party:

Eugene A. Giotto, Esquire  
Pa. I.D. #58286  
Robert D. Finkel, Esquire  
Pa. I.D. # 71130  
Joanna S. Novak, Esquire  
Pa. I.D. #308753

BUCHANAN INGERSOLL & ROONEY PC  
One Oxford Centre, 20<sup>th</sup> Floor  
301 Grant Street  
Pittsburgh, PA 15219  
(412) 562-8800 – phone  
(412) 562-1041 – fax

JURY TRIAL DEMANDED

APR 11 2016





BUCHANAN INGERSOLL & ROONEY PC

By Joanna S. Novak  
Joanna S. Novak, Esquire (ID #308753)  
*joanna.novak@bipc.com*

Eugene A. Giotto, Esquire (ID #58286)  
*eugene.giotto@bipc.com*

Robert D. Finkel, Esquire (ID # 71130)  
*robert.finkel@bipc.com*


One Oxford Centre, 20<sup>th</sup> Floor  
301 Grant Street  
Pittsburgh, PA 15219  
(412) 562-8800

*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the within Notice of Appearance was served upon the following counsel of record by United States mail, first class, postage prepaid, this 7th day of April, 2016:

Robert F. Daley, Esquire  
A. Michael Gianantonio, Esquire  
Robert Peirce & Associates, P.C.  
2500 Gulf Tower  
707 Grant Street  
Pittsburgh, PA 15219  
*Attorneys for Plaintiff*

  
Joanna S. Novak, Esquire

**IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PENNSYLVANIA  
Civil Division**

JOSEPH M. GRKMAN, JR., Individually  
and as the ADMINISTRATOR OF THE  
ESTATE OF JOSEPH M. GRKMAN,  
Deceased,

Plaintiff,

vs.

890 WEATHERWOOD LANE  
OPERATING COMPANY, LLC d/b/a  
THE REHABILITATION AND  
NURSING CENTER AT GREATER  
PITTSBURG; 890 WEATHERWOOD  
LANE, LLC d/b/a THE  
REHABILITATION AND NURSING  
CENTER AT GREATER PITTSBURG,  
and EXCELA HEALTH d/b/a EXCELA  
HEALTH WESTMORELAND  
HOSPITAL,

Defendants.

No.: 98 of 2016

NOTICE OF SERVICE OF PLAINTIFF'S  
FIRST SET OF INTERROGATORIES AND  
REQUEST FOR PRODUCTION OF  
DOCUMENTS DIRECTED TO DEFENDANT  
890 WEATHERWOOD LANE OPERATING  
COMPANY, LLC d/b/a THE  
REHABILITATION AND NURSING  
CENTER AT GREATER PITTSBURG; 890  
WEATHERWOOD LANE, LLC d/b/a THE  
REHABILITATION AND NURSING  
CENTER AT GREATER PITTSBURG

Code:

Filed on Behalf of: Joseph M. Grkman, Jr.,  
Individually, and as Administrator of the Estate  
of Joseph M. Grkman, Deceased

Counsel of Record for this Party:  
ROBERT F. DALEY, ESQUIRE  
Pa I.D. No.: 81992

A. MICHAEL GIANANTONIO  
Pa I.D. No.: 89120

ROBERT PEIRCE & ASSOCIATES, P.C.  
Firm I.D. No.: 839  
2500 Gulf Tower, 707 Grant Street  
Pittsburgh, PA 15219  
(412) 281-7229

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PENNSYLVANIA  
Civil Division

JOSEPH M. GRKMAN, JR., Individually and  
as the ADMINISTRATOR OF THE ESTATE  
OF JOSEPH M. GRKMAN, Deceased,

Plaintiff,

No.: 98 of 2016

vs.

890 WEATHERWOOD LANE OPERATING  
COMPANY, LLC d/b/a THE  
REHABILITATION AND NURSING  
CENTER AT GREATER PITTSBURGH; 890  
WEATHERWOOD LANE, LLC d/b/a THE  
REHABILITATION AND NURSING  
CENTER AT GREATER PITTSBURGH, and  
EXCELA HEALTH d/b/a EXCELA HEALTH  
WESTMORELAND HOSPITAL,

Defendants.

NOTICE OF SERVICE OF PLAINTIFF'S FIRST SET OF INTERROGATORIES AND  
REQUESTS FOR PRODUCTION OF  
DOCUMENTS DIRECTED TO DEFENDANT

TAKE NOTICE that a true and correct copy of the Plaintiff's First Set of Interrogatories  
and First Request for Production of Documents was served by first class United States mail,  
postage prepaid, upon counsel for the Defendant, on the 13th day of  
April, 2016, addressed as follows:

Eugene Giotto, Esquire  
Robert Finkel, Esquire  
Buchanan Ingersoll & Rooney, P.C.  
One Oxford Centre  
301 Grant Street, 20<sup>th</sup> Floor  
Pittsburgh, PA 15219  
(Attorney for 890 Weatherwood)

Ashley L. Griffin, Esquire  
Thomson, Rhodes & Cowie, P.C.  
Two Chatham Center  
Suite 1010  
Pittsburgh, PA 15219  
(Attorney for Excelsa Health)

Respectfully submitted,

ROBERT BEIROE & ASSOCIATES, P.C.

By: 

A. MICHAEL GIANANTONIO, ESQUIRE  
Counsel for Plaintiff

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PENNSYLVANIA  
Civil Division

JOSEPH M. GRKMAN, JR., Individually and  
as the ADMINISTRATOR OF THE ESTATE  
OF JOSEPH M. GRKMAN, Deceased,

Plaintiff,

No.: 98 of 2016

vs,

890 WEATHERWOOD LANE OPERATING  
COMPANY, LLC d/b/a THE  
REHABILITATION AND NURSING  
CENTER AT GREATER PITTSBURG; 890  
WEATHERWOOD LANE, LLC d/b/a THE  
REHABILITATION AND NURSING  
CENTER AT GREATER PITTSBURG, and  
EXCELA HEALTH d/b/a EXCELA HEALTH  
WESTMORELAND HOSPITAL,

Defendants.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Service was served  
by first class United States mail, postage pre-paid, upon counsel for the Defendants, addressed as  
follows, this 13<sup>th</sup> day of April, 2016:

Eugene Giotto, Esquire  
Robert Finkel, Esquire  
Buchanan Ingersoll & Rooney, P.C.  
One Oxford Centre  
301 Grant Street, 20<sup>th</sup> Floor  
Pittsburgh, PA 15219  
(Attorney for 890 Weatherwood)

Ashley L. Griffin, Esquire  
Thomson, Rhodes & Cowie, P.C.  
Two Chatham Center  
Suite 1010  
Pittsburgh, PA 15219  
(Attorney for Excelsa Health)

Respectfully submitted,  
ROBERT PIERCE & ASSOCIATES, P.C.

By:   
A. MICHAEL GIANANTONIO, ESQUIRE  
Counsel for Plaintiff

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY,  
PENNSYLVANIA

JOSEPH M. GRKMAN, JR., Individually and  
as the ADMINISTRATOR OF THE ESTATE  
OF JOSEPH M. GRKMAN, Deceased,

Plaintiff,

vs.

890 WEATHERWOOD LANE OPERATING  
COMPANY, LLC d/b/a THE  
REHABILITATION AND NURSING  
CENTER AT GREATER PITTSBURGH; 890  
WEATHERWOOD LANE, LLC d/b/a THE  
REHABILITATION AND NURSING  
CENTER AT GREATER PITTSBURGH, and  
EXCELA HEALTH d/b/a EXCELA HEALTH  
WESTMORELAND HOSPITAL,

Defendants.

CIVIL DIVISION

No. 98 of 2016

Issue No.

Judge Christopher Scherer

**STIPULATION TO DISCONTINUE AS  
TO FEWER THAN ALL DEFENDANTS  
PURSUANT TO RULE 229**

Code:

Filed on behalf of defendant Excelsa Health  
d/b/a Excelsa Health Westmoreland Hospital

Counsel of Record for this Party:

Ashley L. Griffin, Esquire  
PA L.D. #208761

Thomson, Rhodes & Cowie, P.C.  
Firm #720  
1010 Two Chatham Center  
Pittsburgh, PA 15219  
(412) 232-3400

Direct Dial: (412) 316-8652  
Email: [alg@trc-law.com](mailto:alg@trc-law.com)  
Facsimile: (412) 232-3498

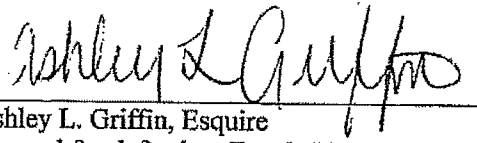
APR 15 2016

*alg*

**NOTICE OF PRESENTATION**

The enclosed *Stipulation to Discontinue as to Fewer than All Defendants Pursuant to Rule 229* has been signed by all counsel. It will be presented to Judge Christopher Scherer in the Westmoreland County Courthouse on **Friday, April 15, 2016 at 9:00 am**. Undersigned counsel has conferred with all other counsel and the enclosed motion/stipulation is uncontested (since it is signed by all counsel) and all counsel has agreed to waive the four-day notice requirement for presentation of said motion to the court.

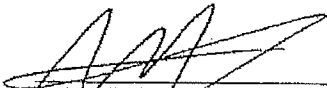
THOMSON, RHODES & COWIE, P.C.

By   
Ashley L. Griffin, Esquire  
Counsel for defendant Excelsa Health d/b/a  
Excelsa Health Westmoreland Hospital

**STIPULATION TO DISCONTINUE AS TO FEWER THAN ALL DEFENDANTS**  
**PURSUANT TO RULE 229**

The parties do hereby stipulation and agree, as evidenced by signature of their respective counsel below, that the case against defendant EXCELA HEALTH d/b/a EXCELA HEALTH WESTMORELAND HOSPITAL, only, shall be discontinued, with prejudice, and that the caption shall be amended, and that the Prothonotary is to indicate the dismissal and caption amendment on the docket.

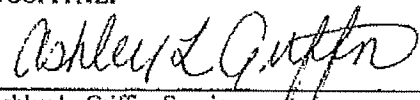
**FOR PLAINTIFFS:**

  
\_\_\_\_\_  
Robert F. Daley, Esquire  
A. Michael Gianantonio, Esquire  
Robert Pierce & Associates, P.C.  
2500 Gulf Tower, 707 Grant Street  
Pittsburgh, PA 15219

**FOR DEFENDANTS, 890 WEATHERWOOD LANE OPERATING COMPANY, LLC D/B/A THE REHABILITATION AND NURSING CENTER AT GREAT PITTSBURGH AND 890 WEATHERWOOD LANE, LLC D/B/A THE REHABILITATION AND NURSING CENTER AT GREATER PITTSBURGH:**

\_\_\_\_\_  
Eugene A. Giotto, Esquire  
Robert D. Finkel, Esquire  
Joanna S. Novak, Esquire  
Buchanon, Ingersoll & Rooney, P.C.  
One Oxford Centre, 20<sup>th</sup> Floor  
301 Grant Street  
Pittsburgh, PA 15219

**FOR DEFENDANTS, EXCELA HEALTH D/B/A EXCELA HEALTH WESTMORELAND HOSPITAL:**

  
\_\_\_\_\_  
Ashley L. Griffin, Esquire  
Thomson, Rhodes & Cowie, P.C.  
1010 Two Chatham Center  
Pittsburgh, PA 15219

**STIPULATION TO DISCONTINUE AS TO FEWER THAN ALL DEFENDANTS  
PURSUANT TO RULE 229**

The parties do hereby stipulation and agree, as evidenced by signature of their respective counsel below, that the case against defendant EXCELA HEALTH d/b/a EXCELA HEALTH WESTMORELAND HOSPITAL, only, shall be discontinued, with prejudice, and that the caption shall be amended, and that the Prothonotary is to indicate the dismissal and caption amendment on the docket.

**FOR PLAINTIFFS:**

---

Robert F. Daley, Esquire  
A. Michael Gianantonio, Esquire  
Robert Pierce & Associates, P.C.  
2500 Gulf Tower, 707 Grant Street  
Pittsburgh, PA 15219

**FOR DEFENDANTS, 890 WEATHERWOOD LANE OPERATING COMPANY, LLC D/B/A THE  
REHABILITATION AND NURSING CENTER AT GREAT PITTSBURGH AND 890  
WEATHERWOOD LANE, LLC D/B/A THE REHABILITATION AND NURSING CENTER AT  
GREATER PITTSBURGH:**

---

*Robert D. Finkel*  
Eugene A. Giotto, Esquire  
Robert D. Finkel, Esquire  
Joanna S. Novak, Esquire  
Buchanon, Ingersoll & Rooney, P.C.  
One Oxford Centre, 20<sup>th</sup> Floor  
301 Grant Street  
Pittsburgh, PA 15219

**FOR DEFENDANTS, EXCELA HEALTH D/B/A EXCELA HEALTH WESTMORELAND  
HOSPITAL:**

---

Ashley L. Griffin, Esquire  
Thomson, Rhodes & Cowie, P.C.  
1010 Two Chatham Center  
Pittsburgh, PA 15219

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY,  
PENNSYLVANIA

JOSEPH M. GRKMAN, JR., Individually CIVIL DIVISION  
and as the ADMINISTRATOR OF THE  
ESTATE OF JOSEPH M. GRKMAN, No. 98 of 2016  
Deceased,

Issue No.

Plaintiff,

vs.

890 WEATHERWOOD LANE  
OPERATING COMPANY, LLC d/b/a  
THE REHABILITATION AND  
NURSING CENTER AT GREATER  
PITTSBURGH; 890 WEATHERWOOD  
LANE, LLC d/b/a THE  
REHABILITATION AND NURSING  
CENTER AT GREATER  
PITTSBURGH, and EXCELA HEALTH  
d/b/a EXCELA HEALTH  
WESTMORELAND HOSPITAL,

Defendants.

**ORDER OF COURT**

AND NOW, this 15 day of April, 2016, upon consideration of the foregoing  
Stipulation, it is hereby ordered that the case against Excelsa Health d/b/a Excelsa Health  
Westmoreland Hospital, only, is hereby discontinued with prejudice and without payment of  
money. The caption shall be amended to the following and the prothonotary shall amend the  
caption to reflect the same on the docket:

JOSEPH M. GRKMAN, JR., Individually and as the ADMINISTRATOR OF THE ESTATE OF  
JOSEPH M. GRKMAN, Deceased,

Plaintiff,

vs.

890 WEATHERWOOD LANE OPERATING COMPANY, LLC d/b/a THE  
REHABILITATION AND NURSING CENTER AT GREATER PITTSBURGH and 890  
WEATHERWOOD LANE, LLC d/b/a THE REHABILITATION AND NURSING CENTER  
AT GREATER PITTSBURGH,

Defendants.

It is so ordered.

BY THE COURT:

Chris Schuman J.

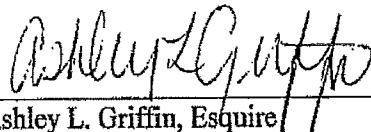
**CERTIFICATION OF SERVICE**

I hereby certify that a true and correct copy of the within **STIPULATION TO DISCONTINUE AS TO FEWER THAN ALL DEFENDANTS PURSUANT TO RULE 229** has been served upon the following counsel of record on this 12th day of April, 2016:

Robert F. Daley, Esquire  
A. Michael Gianantonio, Esquire  
Robert Peirce & Associates, P.C.  
2500 Gulf Tower, 707 Grant Street  
Pittsburgh, PA 15219

Eugene A. Giotto, Esquire  
Robert D. Finkel, Esquire  
Joanna S. Novak, Esquire  
Buchanon, Ingersoll & Rooney, P.C.  
One Oxford Centre, 20<sup>th</sup> Floor  
301 Grant Street  
Pittsburgh, PA 15219

THOMSON, RHODES & COWIE, P.C.

By   
Ashley L. Griffin, Esquire  
Counsel for defendant Excelsa Health d/b/a  
Excelsa Health Westmoreland Hospital